

52082DIV

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Patricia Ann Piers  
Appl. No. : 10/768,755  
Filed : January 30, 2004  
For : METHODS FOR OBTAINING  
OPHTHALMIC LENSES  
PROVIDING THE EYE WITH  
REDUCED ABERRATIONS  
Examiner : Jessica T. Stultz  
Group Art Unit : 2873

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MAY 05 2006  
OFFICE OF PETITIONS

Petition Under 37 CFR §1.313

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner respectfully request that instant application be withdrawn from issue because the references contained in an IDS received by the Patent Office on January 17, 2006 were not considered by the Examiner. Accordingly a new IDS with these references and Request for Continued Examination are filed along with this petition.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 502317.

05/08/2006 CKHLOK 00000003 502317 10768755

01 FC:1464 130.00 DA

Respectfully submitted,  
Advanced Medical Optics

Dated: May 5, 2006By: David Weber

David Weber  
Registration No. 51,149  
Agent of Record  
Customer No. 33357  
(714) 247-8232



**LEGAL DEPARTMENT**  
1700 E. St. Andrew Place, Santa Ana, CA 92705  
Tel. (714) 247-8200 - Fax (714) 247-8679

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## FAX COVER SHEET

CONFIDENTIAL / ATTORNEY CLIENT PRIVILEGED COMMUNICATION

DATE: May 5, 2006

NO. OF PAGES (WITH THIS COVER): 2

	NAME	FAX NO.	PHONE NO.
RECIPIENT:	United States Patent and Trademark Office Attention: Karen Creasy, Petitions Office	571 273 0025	517 272 3282

**FROM:** Becky Smith (rebecca.smith@amo-inc.com)  
telephone: 714.247.8516; fax: 714.247.8679

**SUBJECT:** Application No. 10/768,755 (AMO docket no. 52082DIV)—  
**DUPLICATE COPIES OF DOCUMENTS MAILED MAY 5, 2006**

**MESSAGE:** Dear Ms. Creasy:

The attached Certificate of Mailing, Petition Fee Transmittal, Petition Under §1.313, RCE Transmittal, IDS, and PTO Form 1449 listing 14 references were filed via Express Mail on May 5, 2006, to withdraw U.S. Application No. 10/768,755 from issue. The duplicate copies are being faxed to you for your immediate attention. The copies of the 14 references are not being faxed due to excess number of pages, but are included in the Express Mail package.

Sincerely,  
Becky Smith  
Paralegal

X ORIGINAL WILL NOT FOLLOW  
**CONFIDENTIALITY NOTE:** The information contained in this facsimile message is privileged or confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is neither allowed nor intended. If you have received this communication in error, please immediately notify us by telephone at the below number, and return the original message to us at the above address via the U.S. Postal Service. Thank you. If there is a problem with the transmission of this message, please call Becky Smith (714) 247-8516.

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**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

**Attorney Docket No.** : 52082DIV  
**Applicants** : Patricia Ann Piers  
**For** : METHODS OF OBTAINING OPHTHALMIC  
LENSES PROVIDING THE EYE WITH  
REDUCED ABERRATIONS  
**"Express Mail"**  
**Mailing Label No.** : EV 415444616 US  
**Date of Deposit** : May 5, 2006

I hereby certify that the accompanying

Transmittal letter for Request for Continued Examination (RCE); Petition Fee  
Transmittal; Petition Under 37 CFR §1.313; Information Disclosure Statement and Form  
PTO-1449 listing 14 publications; Return Prepaid Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to  
Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Rebecca Smith

PTO/SB/17p (11-05)

Approved for use through 07/31/2007. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FEE**  
**Under 37 CFR 1.17(f), (g) & (h)**  
**TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/768,755
Filing Date	January 30, 2004
First Named Inventor	Patricia Ann Myers
Art Unit	2873
Examiner Name	Jessica T. Stultz
Attorney Docket Number	52082DIV

RECEIVED  
MAY 05 2006  
OFFICE OF PETITIONS

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(f), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 502317:  
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments  
 Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

David Weber

Signature

Typed or printed name

May 5, 2006

Date

51,149

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.